

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 52352)  
AND 52353 FILED TO APPROPRIATE)  
UNDERGROUND WATER WITHIN THE LAS)  
VEGAS BASIN, CLARK COUNTY, NEVADA. )

RULING

GENERAL

I.

Application 52352 was filed with the State Engineer by the Boulder Dam Area Council of the Boy Scouts of America on August 1, 1988, to appropriate 0.0116 c.f.s. of underground water for recreation and domestic purposes within the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  Section 6, T.23S., R.58E., M.D.B.&M., Clark County, Nevada.<sup>1</sup>

Application 52353 was filed with the State Engineer by the Boulder Dam Area Council of the Boy Scouts of America on August 1, 1988, to appropriate 0.0418 c.f.s. of underground water for recreation and domestic purposes within the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  Section 31, T.22S., R.58E., M.D.B.&M., Clark County, Nevada.<sup>1</sup>

II.

Application 52352 was timely protested<sup>1</sup> by Peter G. Sarles on January 17, 1989, for the following reasons and on the following grounds, to wit: "I am opposed to such a precious commodity as water being used in a frivolous manner for a lake and swimming pool."

Protestant Sarles requested that the use of the water to be appropriated under Application 52352 be modified.

Application 52352 was timely protested by the Potosi Pines United Methodist Church Camp for the following reasons and on the following grounds, to wit: "We object to the proposed use of the water for a water training facility. We do not object to its use for domestic services or the location of well proposed. The grounds for this protest are as follows. 1) There is already a water training facility on Lake Mead/Colorado River that they use. The type of facility they intend to supply is a small man-made lake. This is a frivolous use of water resources in an area where there already is a water shortage

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<sup>1</sup> See public record in the office of the State Engineer under Applications 52352 and 52353.

and scarcity.) It is our opinion that their withdrawal will exceed that normally used for domestic service."

The protestant requested that Application 52352 be limited or denied.

### III.

Application 52353 was timely protested<sup>1</sup> by Peter G. Sarles on January 17, 1989, for the following reasons and on the following grounds, to wit: "I am opposed to such a large quantity (27,000 gallons per day) of water being drawn for a swimming pool and a lake, to accomodate a water training facility. I do not feel that this is consciencious use of such a precious commodity. The swimming pool and lake will have very limited use because of the very short summer season, and freezing in the winter. I am also genuinely concerned with the proximity to our property; and that this large draw would have an adverse affect on our water supply, inhibiting the growwth of our camp."

Protestant Sarles requested that Application 52353 be denied.

Application 52353 was timely protested<sup>1</sup> by the Potosi Pines United Methodist Church Camp on January 24, 1989, for the following reasons and on the following grounds, to wit: "We object to the proposed use of the water for a water training facility and to the proposed location. Our opinion is that the owner has a facility on the Colorado River adequate for the purpose. The location concerns us from the problems previously encountered with their current development, ie. a water line crosses our property at that corner. Locating a well near that point and in the wash would not be a wise choice. Lastly, we are concerned that future water needs of camp maybe seriously impacted by their new wells unless a definitive study shows otherwise."

The protestant requested that Application 52353 be denied or subject to revision.

### IV.

After all of the subject parties had been duly notified, a formal field investigation was held on October 9, 1989, for the receiving of factual information and evidence deemed necessary by the State Engineer for a full understanding of the above-referenced applications and protests.<sup>2</sup> A significant amount of information and evidence was developed at the subject field investigation as all parties were provided a full opportunity

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<sup>2</sup> See Exhibit 1, Notice of Formal Field Investigation of October 9, 1989.

to present their respective positions.

### FINDINGS OF FACT

#### I.

Applications 52352 and 52353 propose to divert underground water for beneficial use in the Las Vegas Groundwater Basin.

#### II.

The Las Vegas Groundwater Basin has been designated by the State Engineer as a basin in need of additional administration.<sup>3</sup>

#### III.

The total water use for the projected life of applicant's camp operation will be 7.4 acre-feet per year.<sup>4</sup>

#### IV.

Evidence provided by the applicant indicates that the water levels in the protestants' areas are at a lower elevation than the water level at the applicant's proposed sources. Additional evidence indicates that applicant's proposed water appropriations, subject to certain terms and conditions, will have no cumulative effect upon the protestants' areas.<sup>5</sup>

### CONCLUSIONS

#### I.

Pursuant to NRS Chapters 533 and 534, the State Engineer has jurisdiction of the

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<sup>3</sup> Public record in the office of the State Engineer: Order No. 175, March 10, 1941; Order No. 182, February 29, 1944; Order No. 189, November 22, 1946; Order No. 196, December 1, 1949; Order No. 212, November 20, 1953; Order No. 249, April 18, 1961; Order No. 275, April 25, 1964; and Order No. 833, December 27, 1983. NRS Chapter 534.

<sup>4</sup> See Exhibit 2, G.C. Wallace, Inc., Report of October 9, 1989.

<sup>5</sup> See Exhibit 3, The Mark Group Report of October 11, 1989.

parties and of the subject matter of this action.

II.

The State Engineer shall not approve an application to appropriate if:

1. There is no unappropriated water in the proposed source of supply;
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public interest.<sup>6</sup>

III.

As an express condition of each appropriation of groundwater acquired pursuant to Chapters 533 and 534, the right of the appropriator shall relate to a specific quantity of water and that right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion.<sup>7</sup>

IV.

The State Engineer may issue temporary permits which may be revoked when water from an alternate source becomes available in an area that has been designated and where, in his judgment, the groundwater basin is being depleted.<sup>8</sup>

V.

The approval of the subject applications with certain terms and conditions, including a limitation on total amount of groundwater pumped, will not conflict with existing rights.

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<sup>6</sup> NRS 533.370(3).

<sup>7</sup> NRS 534.110(4).

<sup>8</sup> NRS 534.120.

VI.

The approval of Applications 52352 and 52353 would not be detrimental to the public interest.

**RULING**

The protests to Applications 52352 and 52353 are herewith overruled on the grounds that the proposed appropriations will not conflict with existing rights nor prove detrimental to the public interest. Permits will be issued upon receipt of statutory fees. The State Engineer does not waive the right to regulate and restrict the groundwater withdrawals under these permits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", is written over a large, hand-drawn oval. The signature is fluid and cursive.

PETER G. MORROS  
State Engineer

PGM/GWQ/bk

Dated this 9th day of  
November, 1989.